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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/153,369	09/15/1998	JAMES P. KETRENOS	INTL-0075-US	5432

21906 7590 10/02/2002

TROP PRUNER & HU, PC  
8554 KATY FREEWAY  
SUITE 100  
HOUSTON, TX 77024

EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 10/02/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

PR4

115

**Office Action Summary**

Application No.

09/153,369

Applicant(s)

KETRENOS, JAMES P.

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-12 and 21-25 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 8, 12, 14, 15 and 18 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 7, 16, 17 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 6, 8, 12, 14 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,903,728 to Semenzato.

Regarding claims 1 and 13, Semenzato discloses a method for accessing a video stream via a web browser with a video player plugin, the browser and plugin are run as two separate processes with the plugin retrieving and playing video streams from a video server, if the plugin crashes, access is maintained to the video stream as the connection data is saved in order to be made available to the next created instance of the plugin (column 7, line 35-column 8, line 43, column 9, lines 4-45).

Regarding claims 2 and 14, Semenzato discloses detecting when the first application fails (column 7, line 35-column 8).

Regarding claims 6 and 18, Semenzato discloses that the plugins are run as separate processes and are stored in different memory spaces (Figures 2C and 3, column 6, lines 43-64).

Regarding claim 8, Semenzato discloses that the plug in applications are responsible for accessing the video server (column 7, line 35-column 8, line 43, column 9, lines 4-45). The video servers disclosed in Semenzato inherently contain software for accessing the video stack, as without such software, no data could be transferred between the server and a client application.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,903,728 to Semenzato in view of U.S. Patent 5,440,726 to Fuchs.

Regarding claims 3 and 15, Semenzato discloses a method for accessing a video stream via a web browser with a video player plugin, the browser and plugin are run as two separate processes with the plugin retrieving and playing video streams from a video server, if the plugin crashes, access is maintained to the video stream as the connection data is saved in order to be made available to the next created instance of the plugin (column 7, line 35-column 8, line 43, column 9, lines 4-45). Semenzato does not disclose the monitoring of an exception handler to detect a crash. Fuchs discloses a system which monitors errors in an application via watchdog, it then rolls back to

various checkpoints in the processes and reconstructs the data from where the exception occurred in order to restore the original state of the application (column 7, line 40-column 8, line 16, column 9, lines 11-36). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Semenzato to monitor an exception handler as taught by Fuchs in order to allow rapid recovery of a crashed application so that the crash and restoration of an application would be transparent to the user.

***Allowable Subject Matter***

Claims 4, 5, 7, 16, 17 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9-12 and 21-25 are allowed.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Thursday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5359 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

HBL  
September 26, 2002

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600